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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Catherine HANNI et al.

BOX AF

Serial No. 09/423,259

GROUP 1655

Filed March 2, 2000

Examiner J. Einsmann

METHOD FOR DETECTING THE PRESENCE
OF BIOLOGICAL MATTERS OF BOVINE
ORIGIN, AND OLIGONUCLEOTIDES FOR
ITS IMPLEMENTATION

AMENDMENT AFTER FINAL REJECTION

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the Official Action of May 17, 2001,
please amend the above-identified application as follows:

IN THE CLAIMS:

Amend claim 19 as follows:

D/1
--19. (amended) Pairs of primers consisting of
one of SEQ ID NO: 1, SEQ ID NO: 2, and SEQ ID NO: 3; and one
of SEQ ID NO: 4, SEQ ID NO: 5, and SEQ ID NO: 6.--

Amend claim 22 as follows:

As Sub E. 1
--22. (amended) Pairs of oligonucleotide primers,
each primer being selected from the group of primer pairs
consisting of: SEQ ID NO: 9 with SEQ ID NO: 10; SEQ ID NO:

Present
6 with SEQ ID NO: 11; SEQ ID NO: 12 with SEQ ID NO: 3; and
SEQ ID NO: 13 with SEQ ID NO: 14.--

Cancel claim 24.

The required fee of \$84 for the one extra independent claim is included in the attached check accompanying the RCE (Request For Continuing Examination Under 37 C.F.R. §1.114) filed concurrently herewith.

R E M A R K S

The application has been amended so as to place it in condition for allowance at the time of the next Official Action.

Prior to this amendment, claims 17-27 were pending. This amendment puts claim 22 in independent form and cancels claim 24.

Applicants acknowledge with appreciation that the Official Action indicated that claim 20 was directed to allowable subject matter.

As an initial matter, applicants acknowledge with appreciation the interview held with Examiners Einsmann and Fredman. Inventor Laudet was given an opportunity to review features of the invention as well as present test results relating to the invention and prior art. The Examiners'

kind attention given during the interview was greatly appreciated.

As discussed during the interview, claim 19 has been amended so as to overcome the stated basis for the pending §112, second paragraph rejection. Claim 22 has been amended to be in independent form, thereby overcoming the pending indefiniteness rejection.

In view of these amendments, it was agreed that the indefiniteness rejections would be withdrawn.

The remaining claims (claims 17-19, 21-23, and 25-27) stand rejected under §103(a) as obvious over LOFTUS et al. in view of FEI et al.

Inventor Laudet presented results of tests conducted which showed the FEI et al. primers were not specific or exclusive to the presence of beef DNA in a sample, as well as results showing that the recited primers were exclusive to beef.

Based on the results presented during the interview, applicants understand that the obviousness rejection would be withdrawn upon filing a formal Declaration substantiating the interview presentation.

Therefore, applicants will prepare a Declaration showing the primer sequence results for both applicants' recitations as well as those of FEI et al. This Declaration will be provided in a forthcoming supplemental response.

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In view of the above, applicants believe that the present application is in condition for allowance.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Respectfully submitted,

YOUNG & THOMPSON

By



Roland E. Long, Jr.
Attorney for Applicants
Registration No. 41,949
745 South 23rd Street
Arlington, VA 22202
Telephone: 703/521-2297

October 17, 2001

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 19 was amended as follows:

--19. (amended) Pairs of primers consisting of one of SEQ ID NO: 1, SEQ ID NO: 2, and SEQ ID NO: 3; and one of SEQ ID NO: 4, SEQ ID NO: 5, and SEQ ID NO: 6.--

Claim 22 was amended as follows:

--22. (amended) Pairs of oligonucleotide primers, each primer being [according to claim 21, wherein said pairs of primers are] selected from the group of primer pairs consisting of: SEQ ID NO: 9 with SEQ ID NO: 10; SEQ ID NO: 6 with SEQ ID NO: 11; SEQ ID NO: 12 with SEQ ID NO: 3; and SEQ ID NO: 13 with SEQ ID NO: 14.--